

28th of February 2022

Mr. Gamini Sedara Senerath,
Secretary to the President,
Presidential Secretariat,
Colombo.

VERY URGENT

Dear Sir,

Discrepancy in the “Presidential Commission of Inquiry report into the Terror attacks on 21st April 2019 Easter Sunday” handed over to Parliament

The Discrepancy

- A. On the 1st of February 2021 the Presidential Commission of Inquiry into the Terror attacks on 21st April 2019 Easter Sunday handed over its final report to the President. The news aired on 1st February 2021 by Hiru TV states that according to a spokesman of the Presidential Commission the full report consists of nearly 100,000 pages (<https://fb.watch/bpqTbhZ0Xw/>). Further, according to an article published on the state owned Dinamina news paper on the 25th of February 2021, the full report consisted of over 100,000 pages (Original link : <http://www.dinamina.lk/2021/02/25/විශේෂාංග/116657/යුක්තියේ-සටහන-පාස්කු-කොමිෂන්-සභා-වාර්තාව> , Archive Link : <https://archive.is/UAF6s>).
- B. Further, the front page of the Aruna News paper released on 1st February 2021 quoting a statement of the Secretary of the Commission Mr. H.M.P Buwaneka Herath, reported that the final report would likely exceed 100,000 pages (Evidence annexed marked E1). It is my understanding that the Presidential Commission of Inquiry report into the Terror attacks on 21st April 2019 Easter Sunday (referred to as “PCoI report” hereafter) was compiled by the 31st of January 2021 before being handed over to the President the next day.
- C. With the United Nations Human Rights Council up on the horizon, on the 22nd of February 2022, it was reported that all 88 volumes of the PCoI report were handed over to Parliament. Subsequently on the same day, co-Cabinet spokesperson Minister Ramesh Pathirana at the Cabinet press briefing stated that some sensitive content in the PCoI report was withheld by the President for national security.
- D. In such context, by the 23rd of February 2022; it was reported by the media that the Parliament has received the full PCoI report containing around 69,800 pages.
- E. On the 26th of February 2022, Presidential Legal Affairs Director Mr. Harigupta Rohanadeera confirmed to me that the entire PCoI report consisting around 67,808 pages was handed over to Parliament. Mr. Rohanadeera refuted claims made by the Presidential Commission Secretary in February of 2021, who had stated that there were nearly 100,000 pages, and further refuting the

statement made by co-Cabinet spokesperson Minister Ramesh Pathirana on 22nd of February 2022, Mr. Rohanadeera went on to say that the President has not withheld any content of the PCoI report.

Call recordings of the conversation between Mr. Harigupta Rohanadeera and myself :

Call Recording 1 (2022-02-26 – 10:13:33AM) : <https://drive.google.com/file/d/1D-to9GF1Ex-d17IfJ-LCHHWFKEjPvwUA/view?usp=drivesdk>

Call Recording 2 (2022-02-26 – 10:31:58AM) :
https://drive.google.com/file/d/1CrSLz7BJ_erFWwPIIg75gVU4yJwFqSmS/view?usp=drivesdk

- F. I am baffled to the fact that a report said to be nearly or over 100,000 pages is now actually 67,808 pages. In addition, for a government that actively monitors and enforces the law against activists for allegedly spreading misinformation; I duly note that the PCoI report on Easter Sunday was with the Presidential Secretariat since 1st February 2021, and that the Secretariat has taken no steps to rectify the then headline news reports which clearly claimed the PCoI report was over or near 100,000 pages until I and others started to question this matter via social media, Right to Information requests, and communication with relevant officials, after a reduced figure of 69,800 pages came to light as a result of the report being handed over to Parliament.

Points of suspicion

- G. I notably recall how the government took suspicious turns in relation to the PCoI report, for example on the 3rd of March 2021, it was reported by the media that "*The Presidential Secretariat has declined to release 22 volumes (each containing about 600 pages) of proceedings to Attorney General Dappula de Livera*" giving the reason "*The Attorney General has been informed that the PCoI is of the opinion that 22 volumes shouldn't be disclosed due to the sensitive nature of the information therein relating to national security.*" (Link <https://island.lk/pcoi-report-on-easter-sunday-carnage/>, Archive link <https://archive.is/knueG>) . Later sighting pressure from the Catholic Church and all those who seek justice into the Easter Sunday terror attacks, on the 12th of March 2021 the said volumes were released to the Attorney General.
- H. Governments all over the world have issues when defining of the term "*national security*" and assigning content and or legal charges to it since many politicians tend to tangle their "*political security*" with "*national security*". I believe that any content that is subjected to "*national security*" be taken to a Judicial review before a full seven judge bench of the Supreme Court for its determination.
- I. I am puzzled as to how a PCoI full report that was withheld so much due to the "*sensitive nature of the information therein relating to national security*" was just handed over to Parliament without anything being withheld by President as claimed by Mr. Rohanadeera who is not only refuting the discrepancy in the number of pages but also refuting the statement made by the co-Cabinet spokesperson. Under such circumstances, I am hamstrung as to how and why the said volumes were not released along with the first volume itself last year, and raises a reasonable suspicion as to if the said volumes released to Parliament were censored, modified and or reprinted, therefore I believe that this matter would need a transparent legal investigation.

- J. I recall the contents of the complaint filed with the Criminal Investigations Department on the 2nd of April 2021 against now Minister of Public Security Hon. Sarath Weerasekara over his alleged involvement in the Ampara anti-Muslim riots in 2018 which contributed to the terror attacks on Easter Sunday, and I note the CID's failure to investigate the complaint so far. Link to the recording submitted to CID containing a vocal statement by then President Maithripala Sirisena claiming Weerasekara's involvement in the Ampara incident, Rajapaksa family involvement in extremism, Rajapaksa's fostering extremist groups, and his comments on government run extremism before 2015 is <https://www.youtube.com/watch?v=W1MrrOSNeBQ> .
- K. I also recall the contents of the complaint filed with the Inspector General of Police, Speaker of Parliament, and the Hon. Attorney General against former Defense Secretary Gotabaya Rajapaksa and former President Mahinda Rajapaksa on the 31st of December 2021 in relation to their possible involvement in the Terror attacks on Easter Sunday. I note the failure to investigate the complaint so far.
- L. In such context, I also recall that the first noted contributing factor to the Easter Sunday Terror attacks as listed in the PCoI report, Ven. Galagoda Aththe Gnanasara Thero (page 331, Vol 1) was appointed as the Chairman of the Presidential Task Force for One Country and One Law by His Excellency the President on the 26th of October 2021. The Thero and extremists' organizations such as Bodu Bala Sena was found to have provided a fertile ground for Zaharan to prosper (page 361, 362, Vol 1) contributing to the Terror attacks on Easter Sunday. I note that according to the statement made by Member of Parliament Hon. S. B. Dissanayake, it is Gotabaya who had created, protected and looked after the Bodu Bala Sena organization (Video : <https://www.youtube.com/watch?v=5N51NkYsIwx>).
- M. I recall that the Parliamentary Select Committee Inquiry Report (PSC) into the Easter Sunday Terror attacks which recommended to investigate if the terror attacks were allowed to happen as part of a political plan (PSC Page 3), but so far such investigations have not been done. Even disregarding my written request from President Gotabaya made on 27th of November 2019 to do so.
- N. I recall that the so-called President Gotabaya who is ready to make tough and unpopular decisions for the betterment of the country had called His Eminence Most. Rev. Dr. Malcolm Cardinal Ranjith and informed that certain recommendations of the PCoI report cannot be implemented because it might make him unpopular and I note that most of the recommendations of the PCoI report still remain disregarded.
- O. Further, I wish to recall that I am being/was investigated via legal proceedings by the Criminal Investigations Department (CID) for making a Facebook post asking the questions "*Was the Easter Sunday Terror attack a deal to bring Gotabaya to power? Is that why Maithripala is not being arrested? How did Catholic Shiranthi not know?*". I was arrested on the 17th of November 2020. Subsequently, activist Shehan Malaka Gamage is now being prosecuted under criminal law (section 120 of the penal code) with the approval of the Attorney General for holding a similar opinion. Furthermore, I note how legal proceedings against Very Rev. Fr. Cyril Gamini Fernando was initiated for holding an opinion and making an accusation against a government official, that did not favor the government. The above incidents occur in the background where the Supreme Court of Sri Lanka has clearly held:

*“Provision of Section 120 of the Penal code and its explanation contained therein guarantee freedom of expression and speech, and the explanation to the section no doubt fortify this position in great measure. **Whatever comments and strongly used words against the government which does not excite feelings and cause public disorder by acts of violence cannot be a basis to prosecute a person under Section 120 of the Penal Code**” – SC/FR 768/2009*

*“To cause any annoyance or embarrassment to a Head of State or the Government will not form the basis of a prosecution under Section 120 of the Penal Code. **Essence of Section 120 is whether the words in question incite the People to commit acts of violence and disorder and not whether the words are defamatory or not.**” – – SC/FR 768/2009*

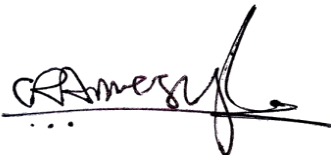
- P. I recall how the CID took away my two mobile devices (when one device did not even have Facebook) and denied requests for my legally entitled data copy when I was arrested without giving exact reasons on the 17th of November 2020.
- Q. I recall how the CID proceeded to put both my mobile devices into one packet and failed to seal it in the due legal process, and produced me before the Magistrate without the devices. I note that legal proceedings are initiated against me for several Facebook posts. Posts containing content criticizing and protesting against government policy and or President while holding the social opinion “GotaFail”, post containing content voicing against mandatory cremation of COVID19 victims, post containing content holding the World Health Organization opinion that COVID19 doesn’t spread in water.
- R. I recall how I subsequently received an anonymous life threat on the 23rd of January 2021 saying that if I do not stop speaking against the government and stop speaking for justice into Terror attacks on Easter Sunday my private things will be leaked and the people around me will face problems. Further according to the said threat, by the time I receive the mobile devices, the data will be with them (an unknown party).
- S. As per the implementation of the aforementioned anonymous threat or by strange coincidence, I recall that soon after, most of the main activists (or their family members) who are supportive of me have been legally prosecuted/troubled by the Sri Lanka Police/certain government entities in unimaginable ways (Asela Sampath, Yasiru Kuruwitage, Oshala Herath).
- T. I recall how the CID after keeping my mobile devices since the 17th of November 2020, produced them on 4th of March 2021 to the Chief Magistrates Court in *“two packets”* instead of the *“one packet”* they were put in front of me. I note that even though the Facebook post in relation to Easter Sunday was not mentioned in the Court case B-report, the CID when they were producing my devices wished to investigate the said Facebook post through the request made to the Government Analyst Department. However, the annexed document containing the posts remains missing in the court case record. I further note that nearly 90% of the questioning done after being arrested on 17th of November 2020 was in relation to the Facebook post which stated *“Was the Easter Sunday Terror attack a deal to bring Gotabaya to power? Is that why Maithripala is not being arrested? How did Catholic Shiranthi not know?”*.
- U. I recall how the CID's arbitrary actions in detaining my mobile devices without due legal process has violated the provisions of the law thus even hampering my day to day life, and has also hampered the investigations into separate death threats I had received by the 25th of August 2020 (as the evidence messages are in those devices) the investigations into which are being conducted

by the Colombo Crimes Division (CCD). As filed in the Police complaint dated 25th August 2020, I believe the root cause of the death threats I received was due to my efforts in seeking justice to the Easter Sunday Terror attacks.

My conclusions and request

- V. Amidst arbitrary actions taken by the government and state entities in relation to seeking justice for the Terror attacks on Easter Sunday, and amidst the arbitrary actions taken by the government and state entities against those who are seeking justice for the terror attacks on Easter Sunday, sudden actions taken with lack of transparency by the President and the government seem insignificant, misleading, and suspicious. Therefore, I believe that the President and the Government will need to do much more to ensure transparency, accountability, Justice and Human Rights to the victims of the terror attacks on Easter Sunday and as well as to the people who seek justice for the same.
- W. Therefore, given the above circumstances, I wish to reiterate that a transparent and broad legal investigation would be required to confirm that the PCoI report handed over to Parliament has not been censored, modified and or reprinted. As a censored, modified and or reprinted version of the report would not manifest in the proper truth and justice sought by all who are seeking truth and justice to the Terror attacks on Easter Sunday. In my opinion, I feel that the above move to hand over the volumes to Parliament was just done possibly to reduce or mislead the pressure coming on the country at the United Nations Human Rights Council in the current moment in time.

Yours Faithfully,



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Chirantha Amerasinghe
Civil and Human Rights Activist

Copy to :

- Hon. Hanaa Singer, United Nations Resident Coordinator in Sri Lanka, UN Compound, Colombo 4 – *To be brought to the urgent attention of the Hon. Michelle Bachelet – The United Nations High Commissioner for Human Rights*



අද ජනපතිට දෙන පාස්කු වාර්තාවේ පිටු ලක්ෂයක්

■ වරුණී පෙරමුණ

ජනාධිපති ගෝඨාභය රාජපක්ෂට අද (1 වැනිදා) භාරදීමට නියමිත පාස්කු කොමිෂන් සභාවේ අවසන් වාර්තාව පිටු ලක්ෂයකට වඩා වැඩි වනු ඇතැයි කොමිසමේ ලේකම් බුවනෙක හේරත් 'අරුණ'ට ඊයේ (31 වැනිදා) ප්‍රකාශ කළේය. ▶▶ 02 පිටුවට

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